

April 24, 1987

LB 130, 131, 218, 642, 763, 768, 769

May 2 as Victims Rights Week in Nebraska. That will be laid over.

Mr. President, your Committee on Appropriations, whose Chair is Senator Warner, reports 768 to General File; 130, General File with amendments; 131, 218, 763, 769, all to General File with amendments. (See pages 1853-54 of the Legislative Journal.) Mr. President, that is all that I have at this time.

SPEAKER BARRETT: Thank you. As previously announced, I would like to move to item 7 on the agenda. Mr. Clerk.

CLERK: Mr. President, Senator Warner would move...let me begin again, Mr. President. LB 642 was passed by the Legislature. There was a motion offered by Senator Warner to reconsider the final passage of LB 642. Senator Warner filed his motion on April 14. It is found on page 1675 of the Journal. That is the issue presently before the Legislature.

SPEAKER BARRETT: Senator Warner, please.

SENATOR WARNER: Mr. President, members of the Legislature, if you recall, this is the bill that would permit the Department of Banking to establish the various fees that they charge, and Senator Wesely, at the time of final passage, raised the question whether or not there needed to be some limits within that bill in order to meet any constitutional issues and, subsequently, after the bill was passed, I did not vote, I filed a motion for reconsideration assuming that there was a very good possibility that problem was true, and, as you probably are aware, there was a letter from the Attorney General indicating that additional specifications in the statute, provisions in the statute needed to be placed in the bill to meet the constitutional requirement of not delegating legislative authority. So I would move that the bill be reconsidered and then held until such time that the Banking Committee has devised an amendment for the bill which will be in keeping with the provisions as outlined in the Attorney General's letter.

SPEAKER BARRETT: Thank you. Discussion? Senator Wesely.

SENATOR WESELY: Thank you, Mr. Speaker. I do apologize. This is an unusual precedent but Senator Warner and I did talk when the bill came up, and I did express my concern on Final Reading, and we did decide that we needed to pursue this, and so I did request an Attorney General's opinion. If you will look at